



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

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| MEETING DATE August 4, 2006 LOCAL EFFECTIVE DATE August 18, 2006 APPROX FINAL EFFECTIVE DATE September 8, 2006 | CONTACT/PHONE Ryan Hostetter 788-2351 | APPLICANT Rick Olivera | FILE NO. DRC2005-00186 |
| SUBJECT Request by Rick Olivera for a Minor Use Permit/Coastal Development Permit to add an approximately 1,205 square foot garage/workshop to the existing detached garage which is located to the rear of the existing single family residence. The project will result in a site total of 2,822 square feet of footprint and 3,857 square feet of gross structural area on an approximately 14,614 square foot parcel. The project includes construction that will impact five pine trees, and remove five pine trees. The project is located at 2200 Tully Place in the Community of Cambria, in the North Coast Planning Area. | | | |
| RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2005-00186 based on the findings listed in Exhibit A and the conditions listed in Exhibit B. | | | |
| ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on July 6, 2006 (ED06-005). | | | |
| LAND USE CATEGORY Residential Single Family | COMBINING DESIGNATION Terrestrial Habitat, Local Coastal Program, Archaeologically Sensitive | ASSESSOR PARCEL NUMBER 023-072-017 & 023 | SUPERVISOR DISTRICT(S) 2 |
| PLANNING AREA STANDARDS: Setbacks, Height, Footprint and Gross Structural Area Limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i> | | | |
| LAND USE ORDINANCE STANDARDS: Local Coastal Program and Terrestrial Habitat, Archaeologically Sensitive Area, and Residential Accessory Structures <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i> | | | |
| FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process. | | | |
| <small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small> | | | |

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|---|--|
| EXISTING USES: Residential Single Family | |
| SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/residential <i>East:</i> Residential Single Family/residential <i>South:</i> Residential Single Family/residential <i>West:</i> Residential Single Family/residential | |
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Cambria Community Services District, and the California Coastal Commission. | |
| TOPOGRAPHY: Moderately sloping | VEGETATION: Grasses, forbs, Monterey pine trees, and Coast live oak trees |
| PROPOSED SERVICES: Water supply: CCSD Sewage Disposal: CCSD Fire Protection: Cambria Fire | ACCEPTANCE DATE: June 20, 2006 |

PLANNING AREA STANDARDS:

Lot Size: 14,614 square feet

Triple, Forested

Oversized lot adjustment: 2.78

Slope: approx 15 percent

Number of trees to be removed: 5 pine and 0 oaks

Base: 1,200 sq ft footprint, 2,400 sq ft GSA

| PROJECT REVIEW | ALLOWABLE | PROPOSED | STATUS |
|-------------------------|---------------------|----------|--|
| FOOTPRINT (SQUARE FEET) | 1,200 x 2.78 =3,336 | 2,822 | OK |
| GSA (SQUARE FEET) | 2,400 x 2.78 =6,672 | 3,857 | OK |
| DECKS (SQUARE FEET) | | | |
| PERVIOUS | | 0 | OK |
| IMPERVIOUS | | 0 | OK |
| HEIGHT (FEET) | 28' | 13' | OK |
| SETBACKS (FEET) | | | |
| FRONT | 10' | 10' | OK |
| REAR | 15' | 84' | OK |
| SIDE | 5' | 5' | OK |
| STREET SIDE | 10' | 2' | Project conditioned to submit revised plans. |

LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Residential Accessory Structures (23.08.032): Workshops and garages are considered residential accessory structures and are allowed within the Residential Single Family Land Use Category subject to special requirements. A detached garage may not occupy more than 1,000

square feet in area per dwelling unit (unless a larger size is authorized with a Minor Use Permit). Workshops are allowed if used solely or primarily for engaging in artwork, crafts, light hand manufacturing, mechanical work, etc. and are limited to 40% of the size of the principal dwelling. The proposed detached workshop and garage complies with these requirements as proposed. The existing single family residence is 1,612 square feet and 40% equals 645 square feet. With the allowable 1,000 square feet of detached garage space and the allowable 645 square feet of workshop space, the applicant can have 1,645 square feet of detached garage/workshop square footage. The applicant is proposing a site total of 1,645 square feet of garage/workshop floor area.

Sensitive Resource Area & Terrestrial Habitat (23.07.170):

Following are the required findings for development located within a Sensitive Resource Area:

1. *The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.*
2. *Natural features and topography have been considered in the design and siting of all proposed physical improvements.*
3. *Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.*
4. *The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designated to prevent soil erosion, and sedimentation of streams through undue surface runoff.*

The proposed project is located within a Sensitive Resource Area due to the Monterey Pine forest. The subject project complies with the above findings because the design of the new workshop/garage is attached to an existing garage to allow for less site disturbance. The trees removed will be replaced with native Monterey Pines local to Cambria (as conditioned) on site.

Terrestrial Habitat Development Standards: Development within a terrestrial habitat is subject to revegetation with native plants and plans showing all areas of disturbance being clearly marked. Areas that are not proposed to be disturbed shall be defined on site by barriers that will protect the surrounding native habitat areas. The project complies with these requirements as conditioned.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies, The most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. The applicant is conditioned to supply a will-serve letter from the Cambria Community Services District for any additional water fixtures.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the proposed addition will be located on an existing lot of record in the Residential Single Family category and there is no area of the site with a slope of less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the addition will not increase erosion or runoff.

Hazards:

Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion or geological instability.

Environmentally Sensitive Habitats:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: The proposed project is consistent with this policy because it will not significantly disrupt the habitat and tree removal and site disturbance have been minimized. Trees removed will be replaced with native vegetation on site.

Policy 2: Permit Requirement: The proposed project is consistent with this policy because there will be no significant impact on sensitive habitats, and proposed development will be consistent with the biological continuance of the habitat.

Policy 3: Habitat Restoration: The proposed project is consistent with this policy because if removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.

Policy 27: Protection of Terrestrial Habitats: The proposed project is consistent with this policy because the project does not propose to remove sensitive vegetation.

Policy 28: Protection of Native Vegetation: The proposed project is consistent with this policy because no tree removal will occur, and site disturbance has been minimized.

Policy 33: Protection of Vegetation: The proposed project is consistent with this policy because site disturbance have been minimized through project design.

Archaeology:

Policy 4: Preliminary Site Survey: The parcel is in an archeologically sensitive area. A Phase I archaeological survey was conducted on October 18, 2005 (Central Coast Archaeology) that found no resources on the site.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: "Recommend approval conditional on tree replacement."

AGENCY REVIEW:

Public Works – "Drainage plan appears adequate"

Cambria Community Services District –Must submit before and after plans and pay remodel impact fees. Lots must also be merged.

LEGAL LOT STATUS:

The existing lots were legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Ryan Hostetter and reviewed by Matt Janssen.

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 because the project is an addition to a single-family residence.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast, is not between the first public road and the ocean, and the project will not inhibit access to the coastal waters and recreation areas.

Terrestrial Habitat

- H. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the proposed addition has been re-located and attached to the existing garage to limit site disturbance. All trees removed shall also be replaced with native stock.

- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.
- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because site disturbance has been minimized and all removed trees shall be replaced on site.
- K. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.
- L. There will be no significant negative impact to the identified sensitive habitat, because all removed pine trees will be replaced at a two to one ratio on site.
- M. The project or use will not significantly disrupt the habitat, because it is an attached addition to a residence with minimal site disturbance.

Archaeology

- N. The project design and development incorporates adequate measures to ensure protection of significant archaeological resources because the project has included a preliminary site survey for archaeological resources which found no significant resources on the project site.

EXHIBIT B - CONDITIONS OF APPROVAL

Authorized Use

1. This approval authorizes the addition of an approximately 1,205 square foot garage/workshop to the existing detached garage which is located to the rear of the existing single family residence. The project will result in a site total of 2,822 square feet of footprint and 3,857 square feet of gross structural area on an approximately 14,614 square foot parcel. The project includes construction that will impact five pine trees, and remove five pine trees.
2. A maximum height of 13 feet (as measured from average natural grade).

Conditions to be completed prior to issuance of a construction or grading permit

Site Development

3. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Tree Protection/Replacement

In an effort to protect individual oak and pine trees, the mixed forest habitat, and the species that depend upon that habitat, the following measures shall be implemented:

5. The applicant shall limit tree removal to no more than five healthy pine trees having a eight inch diameter or larger at four feet from the ground. Construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed.
6. **Prior to issuance of a construction permit**, the applicant shall fence the proposed area of disturbance and clearly tag which trees are to be removed or impacted. The trees tagged in the field shall be consistent with the trees delineated on the construction plans. Tree removal, grading, utility trenching, compaction of soil, or placement of fill shall not occur beyond the fenced disturbance area. The fencing shall remain installed until final inspection.
7. The one Monterey pine trees removed as a result of the grading for the addition shall be replaced at a 2:1 ratio. The five Monterey pine trees located within 10 feet of

disturbance and not proposed for removal shall be replaced at a 1:1 ratio. A total of 15 Monterey pine trees shall be planted. Monterey pine replacement trees shall be one gallon saplings grown from the Cambrian stand; *Pinus radiata macrocarpa*.

Replacement trees shall be planted on-site through the following process:

- A. Prior to issuance of a construction permit, the applicant agrees to secure a bond with the County to cover the costs of planting, monitoring, and maintaining the required replacement trees for the minimum three year period.
 - B. Prior to final inspection, the replacement trees required in Condition #7 above shall be planted. These newly planted trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
 - C. Once the replacement trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
 - D. To promote the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant and successors-in-interest agree to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator.
8. Oak trees provide an essential component of wildlife habitat and visual benefits. The applicant recognizes this and agrees to minimize trimming of the remaining oaks. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (6 inches diameter and smaller) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

Grading, Drainage, Sedimentation and Erosion Control

9. If grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
10. The applicant shall submit a drainage plan for review and approval by the County Public Works Department.

Fire Safety

11. The applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.

Cambria Community Services District

12. The applicant shall apply for a remodel of existing service and pay impact fees to the CCSD. The applicant shall submit a letter from the CCSD showing compliance with this requirement.

Landscape Plan

13. The applicant shall submit for Planning Director review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site. Conditions applicable throughout project construction
14. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
15. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
16. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
17. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
18. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.

Archaeology

19. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - A. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Cambria Community Services District

20. Existing water fixtures shall be retrofitted to current standards under District Ordinance 3-88 as amended.
21. The owners shall provide the District with a copy of county building permit issued for this project.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Fire Safety

22. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.

Cambria Community Services District

23. Applicant shall submit for final plumbing inspection upon completion of the project.

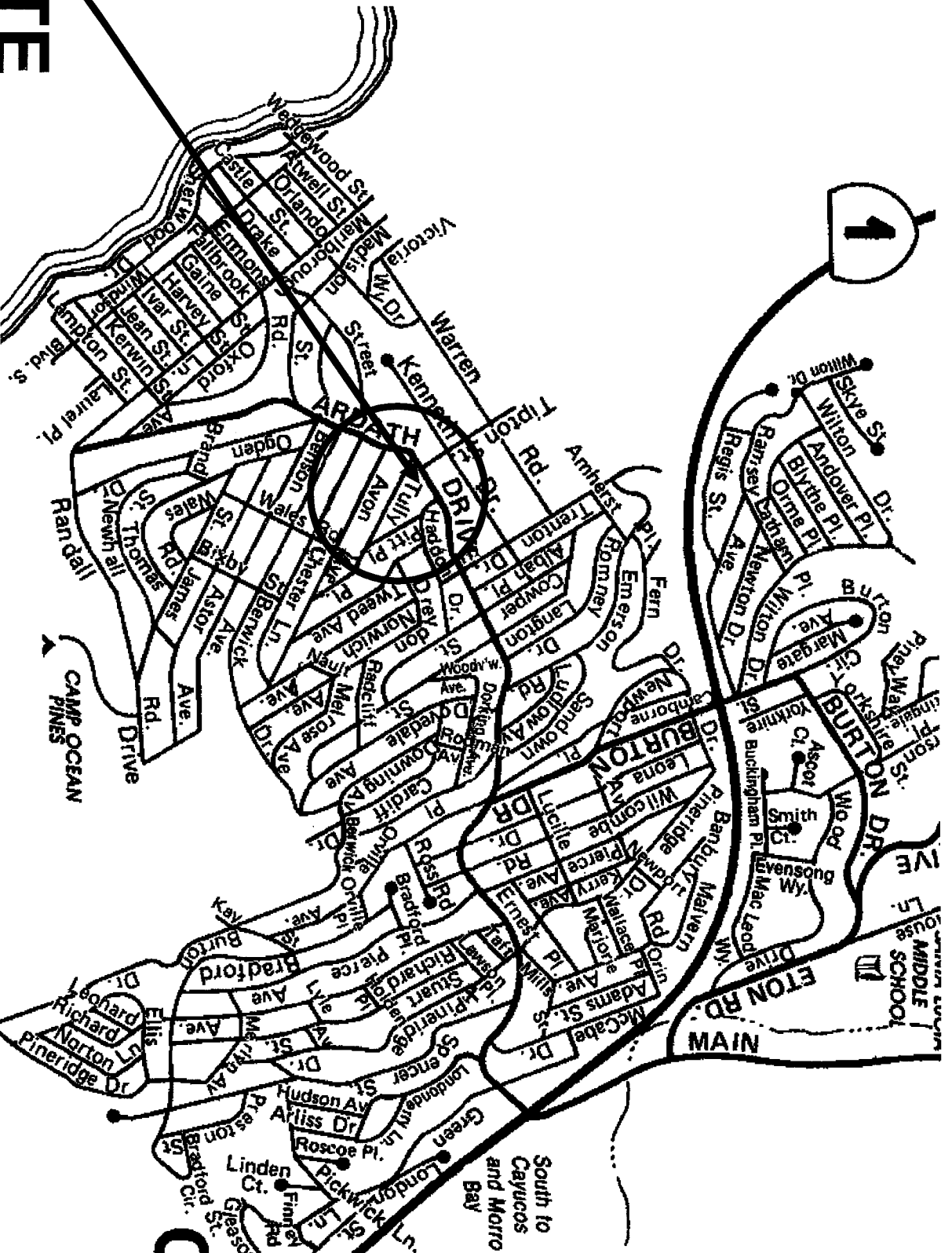
Miscellaneous

24. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
25. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit

is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').

26. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

SITE



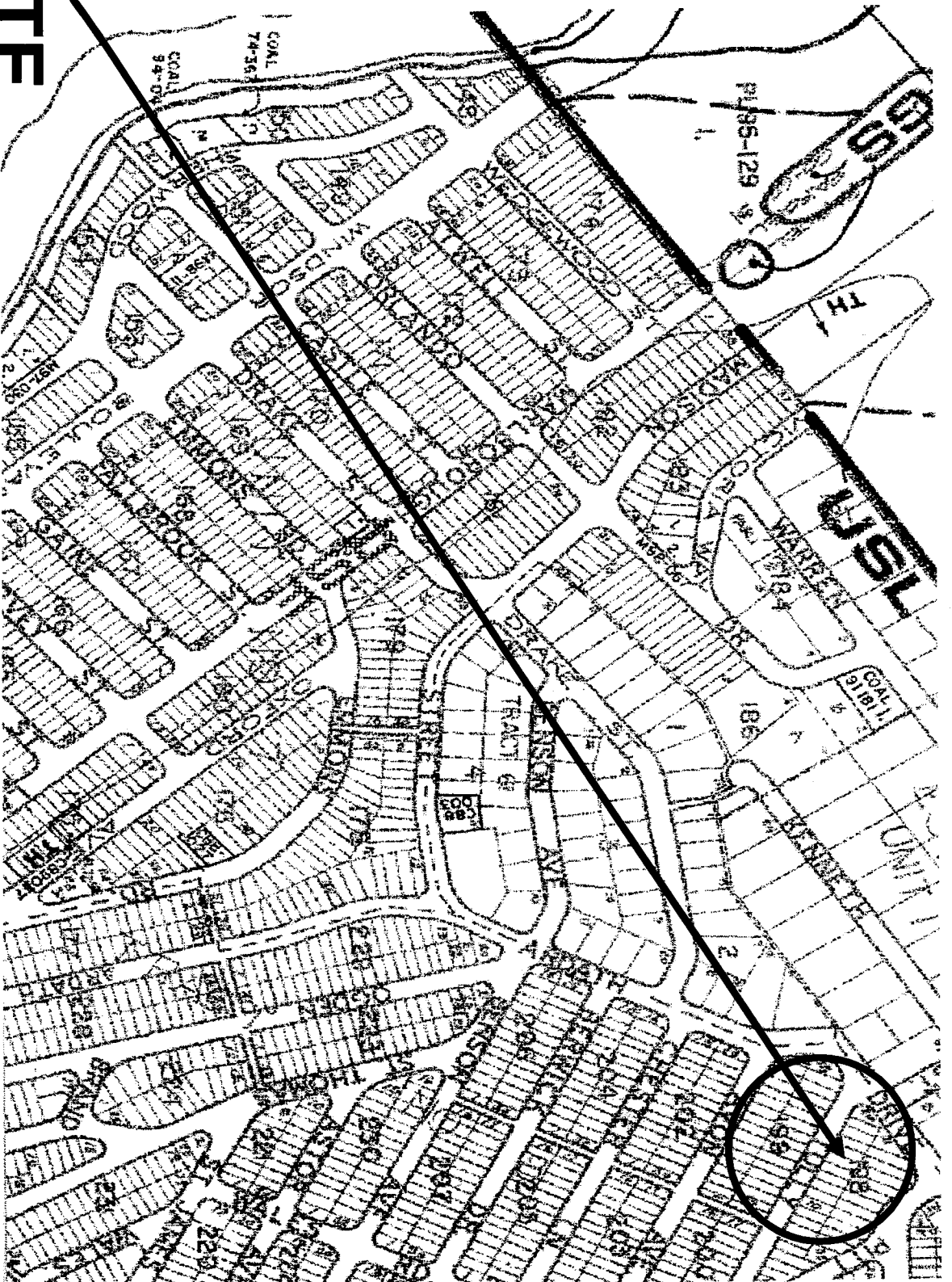
PROJECT

Minor Use Permit
Oliveira DRC2005-00186

EXHIBIT

Vicinity Map





SITE

PROJECT

Minor Use Permit
Oliveira DRC2005-00186



EXHIBIT

Land Use Category



SITE

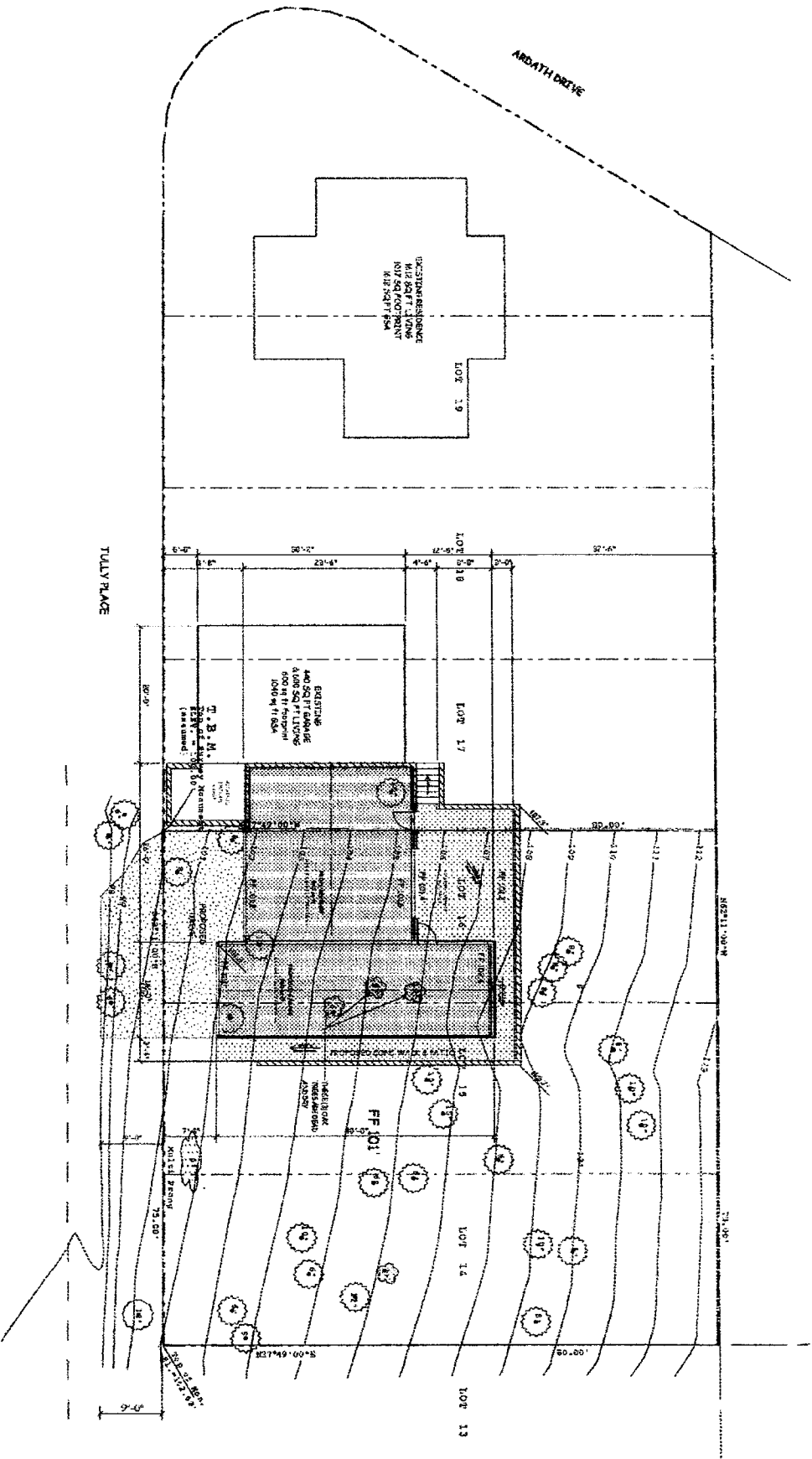
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Minor Use Permit
Oliveira DRC2005-00186



EXHIBIT

Aerial



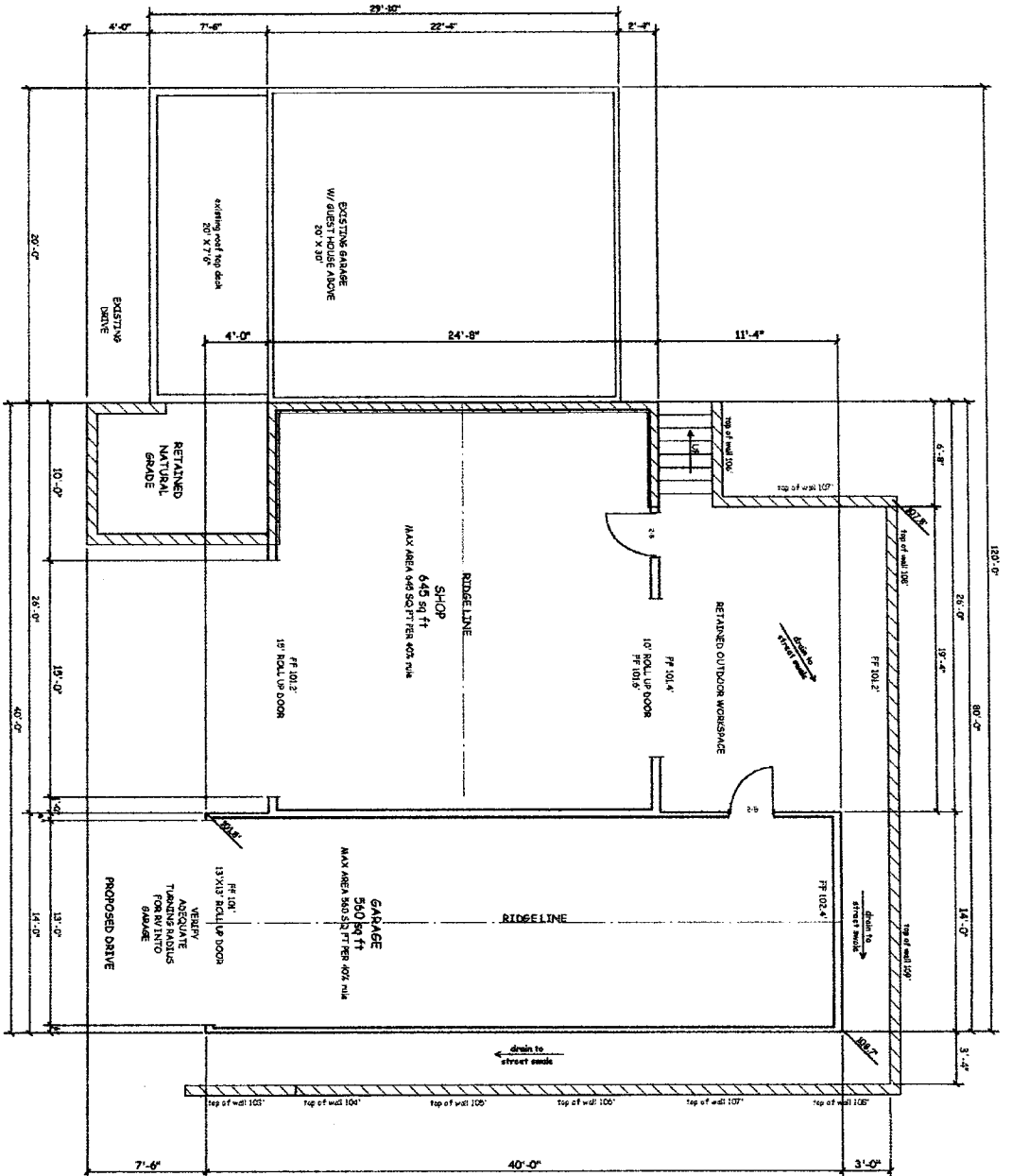
PROJECT

Minor Use Permit
Oliveira DRC2005-00186



EXHIBIT

Site Plan



GARAGE & SHOP FLOOR PLAN 1/4"=1'
TOTAL 1205 SQ FT NEW

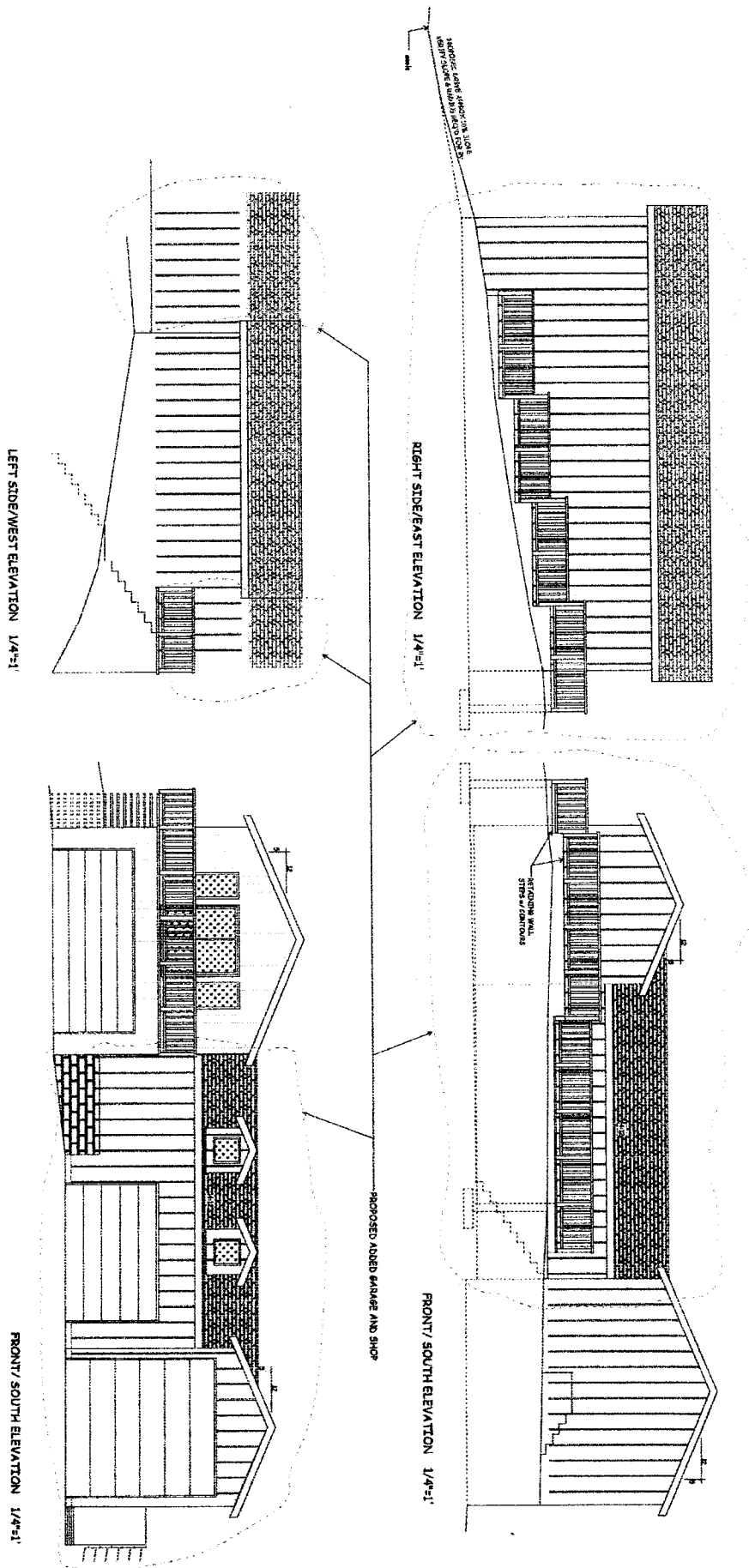
PROJECT

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Oliveira DRC2005-00186



EXHIBIT

Floor Plan



PROJECT

Minor Use Permit
Oliveira DRC2005-00186

EXHIBIT

Elevation

